

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ULTRA RECORDS, LLC,

Plaintiff,

-against-

ULTRA INTERNATIONAL MUSIC
PUBLISHING, LLC,

Defendant.

22-cv-9667 (AS)

ORDER

ARUN SUBRAMANIAN, United States District Judge:

For the reasons stated on the record at the November 25, 2024 hearing, the Court ORDERS as follows:

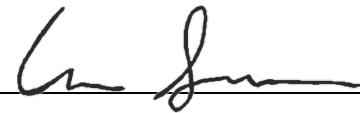
1. With respect to plaintiff's motions in limine: the motion to exclude DX 170, 174-213, 215, and 217 is GRANTED; the motion to exclude DX 214 is GRANTED; and the motion to exclude DX 136-138, 141, and 171 is DENIED.
2. With respect to defendant's motions in limine: the motion to exclude Carmine Coppola's testimony about Patrick Moxey's character is GRANTED; the motion to exclude evidence of "non-actionable" confusion is DENIED; the motion to exclude the trademark registrations of third parties is GRANTED; the motions to exclude evidence of settlement communications, fact-witness testimony about the testimony of another witness, testimony comprised of legal conclusions, and expert opinions not contained in the expert's report are GRANTED.
3. As to both sides' motions, these rulings are subject to the understandings and clarifications offered at the November 25 hearing.
4. The parties will appear for a conference on **Wednesday, November 27, 2024 at 2 P.M.** in Courtroom 15A, 500 Pearl Street, New York, NY 10007. At that hearing, the Court will resolve any remaining objections to either side's trial exhibits.

5. By **12 P.M. on Tuesday, November 26, 2024** the parties will inform the Court if they would like the Court to facilitate a settlement discussion between the parties. For the Court to do so, the parties must agree to allow the Court to communicate *ex parte* with each side. If the parties do not wish for the Court to facilitate such a discussion at this time, they can jointly tell the Court as much. However, the parties should **not** inform the Court as to which side objected. Simply tell the Court that the parties—collectively—do not agree.

The Clerk of Court is directed to terminate the motions at Dkts. 154 and 159.

SO ORDERED.

Dated: November 26, 2024
New York, New York

A handwritten signature in black ink, appearing to read 'Arun Subramanian', is written over a horizontal line.

ARUN SUBRAMANIAN
United States District Judge